

## Sec. 30-312. Violations, enforcement and penalty

### Sec. 30-312 (c) (2) Performance standards for regulated trees shall be as follows:

- a. *Purpose.* In order to assist the enforcing official, the code enforcement board and/or appropriate judicial forum in remedying a violation of the landscape and tree management sections of this article and ordering appropriate corrective action against any violation of these sections, there are adopted the following performance standards which meet the objectives of these sections.
- b. *Minimum requirements.*
  1. A tree that was established in compliance with a development order but which has been removed from the site or has died must be replaced with a tree that meets the requirements of [section 30-257\(b\)](#). The species should be the same as specified on the approved landscaping plan. If a different species is desired, it must fill the required function - for example, a small flowering tree cannot replace a high quality shade tree. Whenever required street trees are removed to allow for infrastructure improvement projects along a street, they shall be replaced by the entity responsible for the improvement project.
  2. High quality heritage trees shall be used as mitigation trees for any trees that were removed without a permit. Mitigation trees should be planted on site in all the locations that would be required by code to bring the landscaping into compliance with current standards have been filled. The remainder of the mitigation trees may, as determined by the city manager or designee, be established on other appropriate sites within the city limits or may be given to the city tree-planting program.
  3. All replacement or mitigation trees shall be nursery-grown trees. They may be balled and burlapped, tree spaded or containerized.
  4. Replacement or mitigation trees shall be located in approximately the same location as the regulated tree that has died or has been removed from the site, unless such location does not meet utility separation requirements or would conflict with other requirements in the chapter, in which event the location shall be determined by the city manager or designee.
  5. Replacement or mitigation trees may only be planted during the months of November through March, unless the trees are containerized or the site is served by an automatic irrigation system.
  6. The total sum of the caliper inches of replacement or mitigation trees shall equal, at a minimum, to the total sum of the caliper inches of the regulated trees which were removed without a permit. If a tree removed without a permit was a heritage tree, then the required mitigation shall be double what is required as in mitigation in [section 30-254](#).
- c. *Reinspection.* The enforcing official shall inspect the property upon completion of all corrective action or order issued pursuant to the landscape and tree management sections of this article to determine compliance. The enforcing official shall then reinspect the property approximately one month thereafter and then at four-month intervals to ensure compliance. If at any time the enforcing official determines that the corrective action is not successful, he/she shall notify the owner and/or resident of the property as provided in subsection (c)(1)a. of this section.